

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

TRISTA PANNILL  
*On behalf of herself and others similarly situated*  
Plaintiff

-vs-

Case No.  
Hon.  
**DEMAND FOR JURY TRIAL**  
CLASS ACTION COMPLAINT

MRS ASSOCIATES, INC. OF NEW JERSEY,  
Defendant

**COMPLAINT & JURY DEMAND**

*Trista Pannill states the following claims for relief:*

**Jurisdiction**

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

**Parties**

3. The Plaintiff to this lawsuit is Trista Pannill who resides in Southfield, MI 48034.
4. The Defendants to this lawsuit is MRS Associates, Inc. of New Jersey ("MRS") which is a corporation doing business in Michigan whose resident agent, George P. Campell, maintains its office at 533 South Grand Ave., Lansing, MI 48933.

**Venue**

5. The transactions and occurrences which give rise to this action occurred in Oakland County.
6. Venue is proper in the Eastern District of Michigan.

**General Allegations**

7. Some time prior to February 5, 2008, MRS began collection of a debt allegedly owed by Trista Pannill to Chase Bank USA, N.A.
8. On or about February 5, 2008, MRS communicated with Trista Pannill for the first time.
9. In that communication, MRS falsely stated that the debt in question consisted of \$2,762.49 in principal, with no interest due and owing.
10. MRS conveyed false credit information to Ms. Pannill indicating that the entire amount owed had been for principal.

**CLASS DEFINITION AND CLASS ISSUES**

11. Ms. Pannill brings this action on behalf of herself and a class of all other persons similarly situated, pursuant to Fed. R. Civ. P. 23.
12. This case is brought on behalf of the following classes of residents of Michigan who
  - a. received communication from MRS relating to a debt subject to regular interest charges
  - b. where the communication contained an itemization for principal and interest
  - c. and which stated that the entire balance consisted of interest.
13. The violations of the FDCPA and MOC by MRS were systematic and widespread.
14. There are questions of law and fact which are common to all members of the class, which questions predominate over any question affecting only individual class members.
15. The principal common issues is whether MRS made misstatements when it characterized its

interest-bearing debts as consisting solely of principal.

16. Ms. Pannill 's claims are typical of the claims of the class members. All are based on the same legal and remedial theories.
17. Ms. Pannill will fairly and adequately protect the interests of all class members in the prosecution of this action and in the administration of all matters relating to claims stated herein. She is similarly situated with, and has suffered similar injuries as, the members of the class she seeks to represent.
18. Ms. Pannill has retained counsel experienced in handling class action suits involving unfair business practices and consumer law. Neither the named plaintiff nor his counsel have any interest which might cause them not to vigorously pursue this action.
19. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.
20. The class is so numerous as to make it impracticable to join all members of the class as plaintiffs. Based upon the investigation of counsel, the number of class members is estimated to be in excess of 100 persons.

**COUNT I – Fair Debt Collection Practices Act (MRS)**

21. Ms. Pannill incorporates the preceding allegations by reference.
22. At all relevant times MRS – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
23. MRS is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
24. Ms. Pannill and the class members incurred their respective debts for personal, family or

household purposes.

25. MRS 's foregoing acts in attempting to collect this debts from Ms. Pannill and the class members violated the provisions of the FDCPA including, but not limited to 1692e(2), 1692e(8), 1692e(10) and 1692f(1).
26. Ms. Pannill and the class members have suffered damages as a result of these violations of the FDCPA.

**COUNT II – Michigan Occupational Code (MRS)**

27. Ms. Pannill incorporates the preceding allegations by reference.
28. MRS is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).
29. Ms. Pannill and the class members are debtors as that term is defined in M.C.L. § 339.901(f).
30. MRS 's foregoing acts in attempting to collect debts from Ms. Pannill and the class members violated the provisions of the MOC including but not limited to M.C.L. §§ 339.915(a), 339.915(e), and 339.915(f) .
31. Ms. Pannill and the class members have suffered damages as a result of these violations of the Michigan Occupational Code.
32. These violations of the Michigan Occupational Code were willful.

**Demand for Jury Trial**

33. Plaintiff demands trial by jury in this action.

**Demand For Judgment for Relief**

34. *Accordingly, Ms. Pannill requests that the Court grant:*

- a. Actual damages for items including emotional distress, mental anguish, frustration, humiliation, and embarrassment.*
- b. Statutory damages.*
- c. Treble damages.*
- d. Statutory costs and attorney fees.*

Respectfully Submitted,

LYNGKLIP & ASSOCIATES  
CONSUMER LAW CENTER, PLC

By: S/ Ian B. Lyngklip  
Ian B. Lyngklip (P47173)  
Attorney For Trista Pannill  
24500 Northwestern Highway, Ste. 206  
Southfield, MI 48075  
(248) 208-8864  
IanLyngklip@Att.Net

Dated: April 7, 2008